

# Notice of Allowability

Application No.

10/686,089

Examiner

Christopher R. Magee

Applicant(s)

YAMAMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/10/07 and petition filed 2/9/07.
2. ☒ The allowed claim(s) is/are 1, 5, 7 and 8 (renumbered as 1-4, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/18/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*CR Magee* 4/26/07

*Angel Castro C*  
ANGEL CASTRO  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Response to Amendment***

1. The reply filed 01/10/2007 was applied to the following effect: All relevant objections and rejections are withdrawn as being satisfied. Claims 2-4, 6 and 9-15 have been cancelled per amendment filed 02/09/2007.

### ***Inventorship***

2. In view of the papers filed 02/09/2007, the inventorship in this nonprovisional application has been changed by the deletion of Makoto Akinaga.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

### ***Information Disclosure Statement***

3. The information disclosure statement(s) (IDS) submitted on 04/18/2007 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### ***Reasons for Allowance***

4. Claims 1, 5, 7 and 8 are allowed (renumbered as 1-4, respectively).

The following is an examiner's statement of reasons for allowance:

This application is for an OPTICAL PICKUP DEVICE.

- **Claim 1** specifies an optical disk device for recording/reproducing information to/from an optical recording medium, which requires:

*"wherein the housing has an optical path which is open without being surrounded and a partition wall between a light sensing device and opposed lens, said partition wall having a through hole for leading light,*

*wherein the dustproof member has a cylindrical shape and a recessed portion which is a partial area recessed toward the inner radius in the whole circumferential direction, and*

*wherein an inner peripheral portion of the partition wall is fit in the recessed portion of the dustproof member so that the dustproof member is attached to the housing."*

The prior art of record fails to disclose, teach, show or suggest, by either anticipating or rendering obvious, the invention as set forth in the claims of the instant application. Furthermore, a search made does not detect the combined claimed elements as set forth in the pending claims. Additionally, the reasons for allowance of the claims over the prior art of record is believed to be readily clear, self evident and apparent from the claim language set forth in claim 1, when compared and contrasted with the prior art.

More particularly, the instant invention (as set forth in claim 1) provides for an optical pickup device wherein the housing has an optical path which is open without being surrounded and a partition wall between a light sensing device and opposed lens, said partition wall having a through hole for leading light, wherein the dustproof member has a cylindrical shape and a recessed portion which is a partial area recessed toward the inner radius in the whole circumferential direction, and wherein an inner peripheral portion of the partition wall is fit in the recessed portion of the dustproof member so that the dustproof member is attached to the housing. Further, Ohta does not disclose or suggest that both ends of the dust-blocking pipe are in contact with optical members so that the optical path is completely surrounded [Applicant's

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Remarks, page 7, dated 01/10/2007]. None of the cited prior art of record disclose such an optical pickup device as set forth in the manner, function and relationship relative to other claimed structures as prescribed by the independent claim.

Therefore, these features, in combination with other features of claim 1, are not anticipated by, nor made obvious over, the closest prior art of record of Ohta '368.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 2627

April 25, 2007  
crm



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